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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,427	08/08/2001	Michael Howard	MS1-909US	6390
22801	7590	05/16/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			TESLOVICH, TAMARA	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,427

Applicant(s)

HOWARD ET AL.

Examiner

Tamara Teslovich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03 December 2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 8, 10, and 20 are objected to because of the following informalities:

5 Claims 8, 10, and 20 refer to the "selection of the particular threat" of claims 7 and 17, but depend on claims 5, 1, and 11 respectively.

For purposes of examination, Examiner has chosen to treat claims 8 and 10 as dependents of claim 7, and claim 20 as a dependent of claim 17 and requests that Applicant amends claims accordingly.

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

15

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

20 Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to a method that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

5 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 19, and 29 recite the limitation "a desired level of strength technology".

10 It is unclear what is meant by this limitation. For purposes of examination, Examiner has chose to treat the abovementioned limitation as the "a desired level of strength of technology" referred to in claim 35.

Claims 6, 16, and 26 recite the limitation "addressed security threats". There is insufficient antecedent basis for this limitation in the claims.

15

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

25 **Claims 1-36 are rejected under 35 U.S.C. 102(a) as being anticipated by "Security Analysis & Design" by Uttara Nerurkar, hereinafter referred to as Nerurkar.**

As per claim 1, Nerurkar discloses in a computer system, a method for providing application security threat-modeling, the method comprising:

defining a plurality of model (software and hardware) components (peels) to represent respective elements of an application (pg.50 col.3 par.4), each model

5 component comprising a respective set of potential security threats (security concerns) (pg.50 col.2 par.2);

interconnecting the model components to form a logical model ("onion diagram") of the application (pg.52 col.1 par.1); and

analyzing one or more of the potential security threats (decomposing the peels)
10 in terms of the model components in the logical model (pg.52 col.1 par.3; pg.54 col.1 par.3).

As per claim 2, Nerurkar discloses a method as recited in claim 1, wherein the model components comprise a module, a port, a store, or a wire (network cabling)
15 (pg.50 col.3 par.4).

As per claim 3, Nerurkar discloses a method as recited in claim 1, wherein the potential security threats comprise at least one subset of authentication (IA), authorization (AZ), auditing (OO), privacy, integrity (OO), availability, and non-
20 repudiation (pg.56 col.1 par.3)

As per claim 4, Nerurkar discloses a method as recited in claim 1, wherein
defining the model components further comprises

determining the respective security threat characteristics for a component of the
model components based on the components corresponding functionality in the

5 application (use of objects in the zone) (pg.50 col.2 par.2).

As per claim 5, Nerurkar discloses a method as recited in claim 1, wherein
analyzing one or more of the potential threats in terms of the model components further
comprises:

10 selecting a particular component of the model components; and responsive to
selecting the particular component, displaying each other component of the model
components that comprise at least a subset of similar potential security threats as the
particular component (partition based on the similarity and nature of security concerns
of the components) (pg.52 col.1 par3).

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As per claim 6, Nerurkar discloses a method as recited in claim 1, wherein
analyzing one or more of the potential threats in terms of the model components further
comprises:

selecting a particular component of the model components; and

20 responsive to selecting the particular component, displaying each other
component of the model components that comprise at least a subset of similar
addressed security threats as the particular component (pg.56 col.2 par.4).

As per claim 7, Nerurkar discloses a method as recited in claim 1, wherein analyzing one or more of the potential security threats in terms of the model components in the logical model further comprises:

5 selecting a particular threat of the potential threats to indicate that the particular threat requires a threat mitigating implementation in a particular model component of the model components, the particular threat corresponding to the particular model component (pg.50 col.3 par.1; pg.56 col.2 par.2).

10 As per claim 8, Nerurkar discloses a method as recited in claim 7, wherein selecting the particular threat further comprises identifying a priority that corresponds to the threat mitigating implementation (decompose into sets consisting of objects requiring similar levels of security) (pg.54 col.1 par.3).

15 As per claim 9, Nerurkar discloses a method as recited in claim 7, wherein selecting the particular threat further comprises identifying a desired level of strength of (control) technology with which to mitigate the particular threat (pg.56 col.2 par.2).

20 As per claim 10, Neruarkar discloses a method as recited in claim 7, wherein selecting the particular threat further comprises selecting a particular technology (design and choose countermeasures based on coverage and costs) with which to mitigate the

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one or more potential threats in a physical implementation of the application (pg.50 col.3 par.1).

Claims 11-20 are directed towards a software implementation of the method of
5 claims 1-10 and are rejected by a similar rationale.

Claims 21-30 are directed towards a computer system implementing the method
of claims 1-10 and are rejected by a similar rationale.

10 Claim 31-33 are directed to a user interface comprising means for the
implementation of the method of claims 1-3 and are rejected by a similar rationale.

Claim 34-36 are directed to a user interface comprising means for the
implementation of the method of claims 8-10 and are rejected by a similar rationale.

15

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tamara Teslovich whose telephone number is (571)
272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

May 12, 2005
T. Teslovich